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PTO/SB/18 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted With Initial Filing <b>OR</b> <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	717119.466
	First Named Inventor	Hartwick, Ty Albert
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/708,439
	Filing Date	March 3, 2004
	Group Art Unit	Not yet known
	Examiner Name	Not yet known

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR PRODUCTION OF EXACT WEIGHT GROUND MEAT

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YY)

03/03/04

as United States Application Number or PCT International (if applicable).

Application Number

10/708, 439

and was amended on (MM/DD/YY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commissioner for Patents, Box Design, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☒

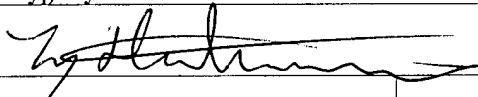
PTO/SB/18 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number or Bar Code Label		27128		OR <input type="checkbox"/> Correspondence address below	
Name <b>Kevin M. Kercher</b>					
Address <b>Blackwell Sanders Peper Martin LLP</b>					
Address <b>720 Olive Street, Suite 2400</b>					
City <b>St. Louis</b>			State <b>Missouri</b>		ZIP <b>63101</b>
Country <b>US</b>		Telephone <b>314-345-6000</b>		Fax <b>314-345-6060</b>	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) <b>Ty Albert</b>			Family Name Or Surname <b>Hartwick</b>		
Inventor's Signature 			Date <b>3/11/04</b>		
Residence City: <b>Sioux City</b>		State <b>IA</b>	Country <b>US</b>	Citizenship <b>US</b>	
Mailing Address <b>3828 Forest View Avenue</b>					
Mailing Address					
City <b>Sioux City</b>		State <b>IA</b>	ZIP <b>51103</b>	Country <b>US</b>	
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])			Family Name Or Surname		
Inventor's Signature			Date		
Residence City:		State	Country	Citizenship	
Mailing Address					
Mailing Address					
City		State	ZIP	Country	
<input type="checkbox"/> Additional inventors are being named on the __ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.					

[Page 2 of 2]



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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/708,439
Filing Date	March 3, 2004
First Named Inventor	Hartwick, Ty Albert
Group Art Unit	Not yet known
Examiner Name	Not yet known
Attorney Docket Number	717119.466

I hereby appoint:

☒ Practitioners at Customer Number

27128

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

27128

OR

☐ The address associated with Customer Number:

OR

☐ Firm or  
Individual NameKevin M. Kercher  
Blackwell Sanders Peper Martin LLP

Address

720 Olive Street

Address

24th Floor

City

St. Louis

State

Missouri

Zip

63101

Country

United States

Telephone

314-345-6000

Fax

314-345-6060

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.7.1.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name

Eugene D. Leman  
Sr. Group Vice President, Tyson Fresh Meats, Inc.

Signature

Date

3/11/04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in the form, call 1-800-PTO-9199 and select option 2.



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PTO/SB/96 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Ty Albert Hartwick

Application No./Patent No.: 10/708,439 Filed/Issue Date: March 3, 2004

Entitled: SYSTEM AND METHOD FOR PRODUCTION OF EXACT WEIGHT GROUND MEAT

Tyson Fresh Meats, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

- [x] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

3/11/04  
Date

Eugene D. Leman  
Typed or printed name  
Eugene D. Leman  
Signature

Sr. Group Vice President, Tyson Fresh Meats, Inc.  
Title

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PATENT  
Mtr # 717119.466

## ASSIGNMENT

WHEREAS, Ty Albert Hartwick, a resident of Sioux City, Iowa, (hereinafter referred to as "Assignor"), is the inventor of a certain new and useful invention relating to a SYSTEM AND METHOD FOR PRODUCTION OF EXACT WEIGHT GROUND MEAT for which application for Letters Patent has been made as U.S. Patent Application No. 10/708,439 that was filed on March 3, 2004; and

WHEREAS, Assignor is the owner and in full possession of the entire right, title and interest in and to said invention and in and to any and all Letters Patent that may be granted therefor; and

WHEREAS, Tyson Fresh Meats, Inc., a corporation duly organized under the laws of the State of Delaware, (hereinafter referred to as "Assignee"), having its principal office and place of business at 800 Stevens Port Drive, Suite 836, Dakota Dunes, South Dakota, 57049, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent that may be granted therefor; and

NOW, THEREFORE, for and in consideration of the sum of One Dollar (U.S. \$1.00) and other valuable considerations to Assignor paid by said Assignee, receipt of which is hereby acknowledged, Assignor does hereby sell, assign and transfer unto said Assignee, the entire right, title and interest in and to said invention and in and to any and all Letters Patent, both United States and foreign, that may be granted therefor, together with any and all continuations, divisions, or reissues, and Assignor does hereby authorize and request the United States Commissioner of Patents and Trademarks to issue in accordance with this Assignment any and all Letters Patent that may be granted, either on said application or otherwise for said invention.

IN WITNESS WHEREOF, Assignor has hereunto set his hand and seal.

Dated: 3/11/04

Ty Albert Hartwick  
Ty Albert Hartwick

STATE OF So. Dakota )  
COUNTY OF Union ) ss.

On this 11 day of March, 2004, before me, the undersigned, a Notary Public within and for the County and State aforesaid, personally appeared Ty Albert Hartwick to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

In Witness Whereof, I have hereunto attached my hand and notarial seal, at the County and State aforesaid on the day and year last above written.

Judy McCoy  
Notary Public

My Commission Expires:

1-9-2010

